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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,490

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Bruno Marchevsky

05-524-A

9881

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7590

10/02/2006

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/785,490

Applicant(s)

MARCHEVSKY, BRUNO

Examiner

Jean A. Gelin

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/7/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/06 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 2, 3, 5, 8, 9, 11, and 13-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Gilberton et al. (US 60/365347).

Regarding claim 3, 9, and 11, Gilberton teaches in apparatus for detecting the presence of a wireless LAN wherein an entire band of WLAN includes multiple channels (detecting periodic beacon signals in the WLAN bands to see whether WLAN service is available in a particular location, page 1, lines 2-7) comprising: a radio frequency receiver for substantially and simultaneously receiving radio frequency signals of

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substantially the entire band of the WLAN (i.e., a receiver tuner to select band of interest, page 3, lines 9-10); and a controller (fig. 1, control of WLAN AGC is passed to the controller which is looking for energy in the WLAN band, page 3, lines 16-17) associated with the radio frequency receiver having programming for measuring and analyzing the energy of the received radio frequency signals of the entire band of the WLAN for the purpose of determining if the radio frequency signals include pulses having a duration and periodicity appropriate for a beacon issuing from a WLAN access point or are being produced by a noise generating electronic device (page 2, and page 3, lines 9-26).

Regarding claim 2, Gilberton teaches determines if the received radio frequency signals includes pulses having a duration within an established minimum and maximum (i.e., edge detector can be used to attenuate the rise and fall of energy in the band, page 3, lines 18-26).

Regarding claim 5, Gilberton teaches all the limitation above. Gilberton further teaches the periodicity is approximately 100 ms (i.e., pulses spaced by less than 150ms, page 3, lines 20-26).

Regarding claim 8, Gilberton teaches wherein the radio frequency receiver and the controller are contained within a handheld unit (i.e., LAN scanner is implemented in mobile communication environment such as cellular telephone, page 1).

Regarding claim 13, Gilberton teaches wherein the entire band of the wireless LAN comprises an 802.11 wireless network band (page 3).

Regarding claim 14, Gilberton teaches wherein the controller comprises a microprocessor (fig. 1, page 3, lines 16-26).

Regarding claim 15, Gilberton teaches wherein the entire band of the wireless LAN comprises an 802.11 wireless network band (pages 2-3).

Regarding claim 16, Gilberton teaches wherein the 802.11 wireless network is a wireless network selected from the group consisting of (i) an 802.11 a wireless network, and (ii) an 802.11b wireless network (pages 2-3).

Regarding claim 17, Gilberton teaches wherein the entire band of the wireless LAN comprises an 802.11 wireless network band (page 3).

4. Claim 6, 7, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilberton in view of Mauney (US 6,484,027).

Regarding claim 6, Gilberton teaches all the limitation above except displaying an indication of the presence of a beacon issuing from a WLAN access point.

However, the preceding limitation is known in the art of communications. Mauney teaches the wireless handset includes a signal strength or distance indicator to provide to the user an approximate indication of signal strength or distance (i.e., the presence of signal strength corresponds to the presence of a beacon issuing from a wireless access in the area, col. 29, lines 1-67 and col. 31, line 66 to col. 32, line 11). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Mauney within the system of Gilberton in order to provide a wireless handset that is inexpensive to operate and that includes enhanced features and capabilities.

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Regarding claims 7, 10, and 12, Gilberton in view of Mauney teaches all the limitation above. Mauney further teaches the display comprises a plurality of LEDs to indicate the presence WLAN (i.e., displaying the signal strength of each object that is within range is equivalent to the claimed invention, col. 29, lines 51-67).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilberton et al.	US 2003/0174681 A1	09/18/2003
Gorsuch	US 6,526,034	02/25/2003
Meyers et.	US 7,062,469	06/13/06

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**JEAN GELIN**  
**PRIMARY EXAMINER**

JGelin  
September 25, 2006

A handwritten signature in black ink that reads "jean Allard Gelin". The signature is written in a cursive, flowing style.